

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas

FILED

APR 11 2018

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Clerk of Court

United States of America)

v.)

Jose Maria SERNA)

YOB: 1977)

Case No. M-18-0760-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 10, 2018 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 USC Section 554, & 2

Offense Description

Did knowingly and unlawfully export or attempt to export from the United States, any merchandise, article, or object, to wit: AR-15 type semi-automatic rifles, as defined by the United States Munitions List, contrary to any law or regulation of the United States, in that the Defendants had not obtained a license or written authorization for such export, in violation of Title 22, United States Code, Sections 2278(b)(2) and 2278(c) and Title 22, Code of Federal Regulations, Sections 121.1, 123.1, 127.1 and 127.3 all in violation of Title 18, United States Code, Section 554.

This criminal complaint is based on these facts:

See Attachment "A"

☒ Continued on the attached sheet.

Approved:

Robert Wells, Jr., AVSA
4/11/2018


Complainant's signature

Ryan McTaggart Special Agent HSI

Printed name and title

Sworn to before me and signed in my presence.

Date:

4/11/18

City and state:

McAllen, Texas



Judge's signature

J. Scott Hacker United States Magistrate Judge

Printed name and title

Attachment "A"

On April 10, 2018, Jose Maria SERNA (hereafter referred to as SERNA), the driver and sole occupant of a Chevrolet Colorado, was stopped by a Hidalgo County Sheriff's Office Deputy on FM 490, west of Wallace Road in Edinburg, Texas.

During the traffic stop, SERNA informed the deputy that he was a convicted felon and the deputy observed a bag in the vehicle's back seat. When questioned by the deputy regarding the contents of the bag, SERNA stated the bag contained firearms and SERNA was detained by the deputy.

A search of the vehicle resulted in the discovery of ten (10) AR-15 style rifles, two (2) P90 style rifles, and multiple magazines.

During a post Miranda warning statement SERNA stated he was on his way to deliver the firearms to an unnamed co-conspirator who would smuggle the firearms into Mexico. SERNA stated that on a previous occasion SERNA had delivered ten (10) AR-15 style rifles, along with magazines and ammunition, to the unnamed co-conspirator who provided SERNA with \$10,000.00 USD, which SERNA used to purchase the firearms found in his possession.

According to the Department of State, Office of Defense Trade Controls Compliance (DTCC), AR-15 type semi-automatic rifles are determined to be a defense article described on the United States Munitions List (USML) and regulated for export pursuant to the Arms Export Control Act (22 U.S.C. 2778). AR-15 type semi-automatic rifles are covered under category I(g) on the USML.